FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No.1986/07.

Deepak Heeralal Ram
..vs..
The State of Maharashtra.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

Coram: C. L. PANGARKAR J.
Dated : 24th August, 2007

1. Heard Mr.S.V.Sirpurkar, Advocate for the applicant and Shri A.S.Sonare, Additional Public Prosecutor for the State.

2. This is an application under Section 438 of the Code of Criminal Procedure.

3. The accused has been charged for having committed offence punishable under Sections 408, 467, 468, 471, 420 of the Indian Penal Code. The accused was arrested in this crime. He was released by

the Magistrate on bail. The Sessions Court set aside the order of bail and directed accused to surrender before the Magistrate. Instead of surrendering, he filed an application for anticipatory bail before the Sessions Judge and that anticipatory bail application came to be rejected. In any case, the charge-sheet has been filed. All the offences in fact are triable by the Magistrate and not by the Sessions Judge. Although offences under Sections 468, 467 and 471 are punishable with imprisonment for life, the fact is that they are triable by the Magistrate. The charge-sheet has been filed before the Magistrate. In the circumstances, it will be desirable now to direct the present applicant/accused to appear before the court of the Magistrate. The Offences are not triable by court of Sessions and therefore there is no question of present applicant appearing before the court of Sessions. It will be the Magistrate who alone can decide the application, since the offences are triable by him. In order to enable the present applicant/accused to approach the Magistrate for grant of bail, it is directed that the applicant may not be arrested till such time he makes an application before the Magistrate and Magistrate passes an order of bail on that application. The applicant/accused should

give at least four days' notice to the Prosecutor as to on which date he would be presenting an application for bail as well as presenting himself before the Magistrate.

Judge.

pzc